



DEPARTMENT OF THE NAVY
NAVAL MEDICAL COMMAND
WASHINGTON, D.C. 20372

IN REPLY REFER TO

NAVMEDCOMINST 12750.1
MEDCOM-09B
18 January 1984

NAVMEDCOM INSTRUCTION 12750.1

From: Commander, Naval Medical Command
To: All Internal NAVMEDCOM Codes

Subj: Adverse action procedure

Ref: (a) BUMEDINST 5430.4B

Encl: (1) CCPO-NWINST 12750.1
(2) Delegation of authority to propose and decide actions
taken under CPI 432 and CPI 752

1. Purpose. To promulgate the Consolidated Civilian Personnel Office, Northwest Manual for Adverse Action Procedure and Disciplinary Actions and other actions taken under CPI 432 and CPI 752.

2. Action. Enclosure (1) contains procedures and guidance which are effective upon receipt. The CCPO-NW NAVMEDCOM detachment shall provide advisory assistance to managers in implementing the provisions of enclosure (1) in accordance with reference (a).

3. Delegation of Authority. Enclosure (2) lists the delegation of authority to NAVMEDCOM managers to propose and decide actions taken under CPI 432 and CPI 752.


W. M. McDERMOTT, JR.



NAVMEDCOMINST 12750.1
14 January 1984

DEPARTMENT OF THE NAVY
CONSOLIDATED CIVILIAN PERSONNEL OFFICE, NORTHWEST

8901 WISCONSIN AVENUE, NW
BETHESDA, MARYLAND 20814

IN REPLY REFER TO

CCPO-NWINST 12750.1
075:MFM
22 APR 1983

CCPO-NW INSTRUCTION 12750.1

Subj: Adverse Action Procedure

Ref: (a) Civil Service Reform Act of 1978 (Public Law 95-454)
(b) Federal Personnel Manual ltr 751-1 dtd 11 Jan 83
(c) Title 5 Code of Federal Regulations (CFR) Part 752
(d) FPM Chapter 752
(e) Navy Civilian Personnel Instruction (CPI) 752
(f) CCPO-NW INST 12432.1 Reduction in Grade and Removal
Based on Unacceptable Performance
(g) CCPO-NW INST 12000 30:MFM:dmn dtd 9 April 82; Delegation
of Authority for Actions Taken Under CPI 432 and CPI 752

Encl: (1) Manual for Adverse Action Procedure and Disciplinary
Actions

1. Purpose

a. To promulgate policy and procedures for use in effecting
adverse actions provided for by references (a) through (g).

b. This instruction is not to be used to effect a reduction
in grade or removal based solely on unacceptable performance;
reference (f) is applicable in those cases (also, see Part VI).

2. Background

a. References (a) through (e) contain major changes affecting
discipline and adverse action. Changes are incorporated into
enclosure (1).

b. Generally, adverse action is associated with discipline
administration. There are, however, adverse actions that are not
disciplinary in nature, per se, (e.g., a furlough of 30 days or
less). This instruction addresses discipline administration in
greater detail. In any case, managers and supervisors should
contact the Employee and Labor Management Relations Department
(Code 75), Consolidated Civilian Personnel Office-Northwest
(CCPO-NW), before taking an action.

3. Cancellation. Any adverse action procedure(s) currently in
effect at activities serviced by CCPO-NW.

Enclosure (1)

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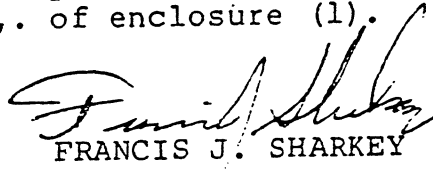
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4. Coverage. This instruction is applicable to all activities serviced by CCPO-NW, except for provisions of a negotiated agreement currently in effect between management and an appropriate bargaining unit.

5. Action

a. Heads of activities should disseminate this instruction to subordinate managers and supervisors, and ensure compliance.

b. Heads of activities should also issue delegation of authority instructions, as requested by reference (g). Activities for which no delegation of authority exists should utilize the sample provided in Part I, D., 5, of enclosure (1).


FRANCIS J. SHARKEY

Distribution:
CCPO-NW INST 5215.1, List I and II

Part I General Provisions

A. Definitions

1. "Activity" means a field installation, headquarters command, or office.

2. "Appealable Adverse Action" means a removal, suspensions for more than 14 days, reduction in grade or pay, or furlough for 30 days or less.

3. "Day(s)" means calendar day(s).

4. "Employee" means;

a. For purpose of grievable adverse actions a member of the Senior Executive Service (SES) or an individual in the competitive service who is not serving probationary or trial period under an initial appointment or who has not completed one year of current continuous employment under other than a temporary appointment limited to one year or less; and

b. For purpose of appealable adverse actions:

(1) those employees listed in 4.a., above; and

(2) a preference eligible in the excepted service in the same or similar position.

5. "Bargaining Unit Employee" means an employee included in an appropriate exclusive bargaining unit, as determined by the Federal Labor Relations Authority (FLRA), for which a labor organization has been granted exclusive recognition.

6. "Furlough" means the placing of an employee in a temporary status without duties and pay because of a lack of work or funds or other nondisciplinary reasons.

7. "Grade" means a level of classification under a position classification system.

8. "Grievable Adverse Action" means a letter of reprimand or a suspension for 14 days or less.

9. "Letter of Admonishment" means a written correction by a superior official of an employee's improper conduct (also known as a letter of caution).

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10. "Letter of Reprimand" means a written remedy by a superior official for an employee's improper conduct.

11. "Noncontestable Action" means an oral admonishment or a letter of admonishment (i.e., an action not recorded in an employee's Official Personnel Folder (OPF)).

12. "Official" means an employee who has been delegated authority to propose or decide an adverse action under this Instruction.

13. "Oral Admonishment" means an oral (non-written) correction by a superior or official of an employee's improper conduct.

14. "Pay" means the rate of basic pay fixed by law or administrative action for the position held by an employee.

15. "Removal" means the involuntary separation of an employee from the activity except when taken as a reduction-in-force (RIF) action.

16. "Suspension" means the placing of an employee in a temporary status without duties or pay for disciplinary reasons.

B. Coverage. This Instruction applies to all employees (defined in A.4. above) of activities serviced by CCPO-NW; except:

1. An employee of a non-appropriated fund instrumentality;
2. Schedule B excepted service employees without competitive status;
3. An employee whose appointment is made by and with the advice and consent of the Senate;
4. An employee whose position has been determined to be of a confidential, policy-determining, policy-making or policy-advocating character by:

a. The Office of Personnel Management (OPM) for a position that it has excepted from the competitive service; or

b. The President or the Secretary of the Navy (SECNAV) for a position which is excepted from the competitive service by statute.

C. Exclusions

1. A suspension or removal taken in the interest of national security. (5 U.S.C. 7532)

2. A RIF action.

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3. The reduction in grade of a supervisor or manager who has not satisfactorily completed the probationary period if such reduction is to the grade held immediately before becoming a supervisor or manager. (5 U.S.C. 3321)
4. A reduction in grade or removal based solely on unacceptable performance. (5 U.S.C. 4303)
5. An action initiated under authority of the Special Council or taken at the direction of the Merit Systems Protection Board (MSPB). (5 U.S.C. 1205, 1206, 1207)
6. An action taken under provisions of statute, other than one codified in 5 U.S.C., which excepts the action from Subchapter II of Chapter 75 of U.S.C.
7. An action which entitles an employee to grade retention and an action to terminate this entitlement. (5 U.S.C. 5362)
8. A voluntary action initiated by the employee.
9. An action taken or directed by OPM for suitability reasons. (5 C.F.R. Parts 731 and 754)
10. Involuntary retirement because of disability.
11. Termination of appointment on or before the expiration date specified as a basic condition of employment at the time the appointment was made.
12. Action which terminates a temporary promotion within a maximum period of 2 years and returns the employee to the position from which temporarily promoted, or reassigns or demotes the employee to a different position not at a lower grade or level than the position from which temporarily promoted.
13. An action which terminates a term promotion at the completion of the project or a specified period, or the end of a rotational assignment in excess of 2 years but not more than 5 years, and returns the employee to the position from which promoted or to a position of equivalent grade and pay.
14. Cancellation of a promotion to a position not classified prior to the promotion.
15. Placement of an employee serving on a intermittent, part-time or seasonal basis in a non-duty, non-pay status in accordance with conditions established at the time of appointment.
16. Reduction of an employee's rate of pay from a rate which is contrary to law or regulation to a rate which is required or permitted by law or regulation.

17. An action against a reemployed annuitant.
18. An action against a Presidential appointee.
19. Reduction in grade of pay and furlough for 30 days or less for a member of SES;
20. Suspension of 14 days or less, members of the SES and employees as defined in A.4.b., above.
21. An action which entitles an employee to grade retention and an action to terminate this entitlement (5 U.S.C. 5362).

D. Delegation of Authority

1. Reference (e) delegates authority to propose and decide adverse actions to heads of activities. To the extent deemed appropriate, heads of activities shall redelegate this authority to propose and decide such actions to subordinate supervisors and managers. Absent specific delegation of authority instructions as requested by references (e) and (g), heads of activities may utilize the sample provided in Attachment A.
2. Authority to propose and decide actions under this instruction may be exercised by a person designated as "acting" for the person delegated such authority, but such action may not be taken "by direction."
3. When an employee is assigned duty at any activity or site under the jurisdiction of another activity, authority to propose and decide actions under this instruction may be delegated from the head of the activity employing the employee to the head of the activity having jurisdiction over the activity or site where the employee is assigned. Such delegation should only cover noncontestable actions (an oral admonishment or a letter or admonishment, i.e., an action not recorded in an employee's Official Personnel Folder) and grievable adverse actions (i.e., a letter of reprimand or suspension for 14 days or less). Authority to propose and decide appealable adverse actions (removal, suspensions for more than 14 days, reduction in grade or pay, or furlough for 30 days or less) should remain with the employing activity.
4. When a grievable or appealable adverse action is initiated which requires a decision on an advance written notice, a decision must be made by an official in a higher position than the official who proposed the action (if the head of an activity signed the advance written notice, the next higher level of management in the chain of command must sign the written decision).

E. Responsibilities

1. Heads of activities are responsible for:

- a. Issuing a statement or internal instruction concerning authority to effect adverse actions; and
- b. Ensuring subordinate managers and supervisors are aware of their responsibility to administer discipline in a fair and equitable manner.

2. Managers and Supervisors. Managers and supervisors are responsible for:

- a. Maintaining order and morale within their organization.
- b. Initiating appropriate disciplinary action when warranted.
- c. Ensuring employees understand and comply with the standards of conduct.
- d. Contacting Code 75, CCPO-NW, via the designated activity chain of command.
- e. Providing required documentation to Code 75, CCPO-NW.

3. Employees. Employees are responsible for keeping informed of and complying with the standards of conduct and work performance expected of them.

4. Code 75, CCPO-NW is responsible for providing advice and guidance to employees and managers involved in adverse actions, and maintaining records as required.

F. Records

1. A record shall be maintained which, at a minimum, shall contain copies of:

- a. the proposed action;
- b. the employee's written answer, if any;
- c. a summary of the employee's oral reply, if one is made;
- d. the notice of decision and the reason(s) therefore;
- e. any supporting material; and
- f. any order effecting the decision.

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2. The record shall be furnished to the MSPB, upon its request, and to the employee affected, upon the employee's request.

3. The record shall be maintained for the period specified for each type of adverse action or until a grievance or appeal arising from an adverse action is finally adjudicated, whichever is longer. If a record is utilized as a consideration in any subsequent adverse action(s), that record becomes part of the subsequent adverse action(s) record and shall be maintained accordingly.

G. Disallowance of an Employee's Choice of Representation

1. An employee's choice of his/her representative may be disallowed if such representation would result in a conflict of interest or position, a conflict with priority needs of the activity, or would give rise to unreasonable cost to the Government. The terms of any applicable negotiated agreement govern representation for employees in an exclusive bargaining unit.

2. The choice of an employee's representative may be disallowed in accordance with paragraph G.1. above. The activity head shall redelegate authority to disallow the choice of an employee's representative to an appropriate level no lower than the level of the official designated to make the final written decision.

3. If the choice of an employee's representative is disallowed, the employee may refer the matter, to the next higher level of management for a final decision. The employee must present, within 5 days, in writing the basis for the disagreement choice of representative, and, including sufficient detail to identify and clarify the issue. Processing of the adverse action will be held in abeyance pending resolution of the question of representation.

4. The next higher level of management, when presented with the disagreement, will conduct an inquiry and discuss the matter with the employee, as appropriate. A written response will be provided to the employee no later than 7 days from the date of receipt of the employee's written disagreement.

H. General Procedure. When effecting adverse action, supervisors and managers should:

1. Contact Code 75, CCPO-NW;
2. Promptly determine the fact(s);

3. If appropriate, confront the employee with all available evidence and allow the employee an opportunity to explain his/her position;

4. Prepare a written summary for the record of the employee's reply, if any. Any reply received before a decision is rendered must be considered. However, if a reply is received after the decision is rendered, the reply may be deemed as untimely filed;

5. Determine and initiate action, if appropriate;

6. Forward all case file (record) information- especially original documents - to Code 75, CCPO-NW.

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Part II Guidance in Effecting Disciplinary Actions

A. Purpose

1. The purpose of Part II is to provide advice and guidance to supervisors and managers in effecting proper disciplinary actions. Contact Code 75, CCPO-NW, for detailed advice and staff assistance.

B. Department of the Navy (DON) Philosophy of Discipline.

Discipline is a managerial tool intended to correct deficiencies in employee behavior and attitude; correct situations which interfere with efficient operations; maintain high standards of Government service and maintain public confidence in DON. It is not the philosophy of DON to utilize discipline measures for the sole purpose of punishing employees. An employee whose behavior is not acceptable to management but whose behavior is not corrected is quite likely to persist in that unacceptable behavior in the erroneous belief that it is correct, or at least condoned. Supervisors and managers have an obligation to such employees to correct behavioral deficiencies while they are still minor and before the behavior becomes habit and a bad example to others. It is easier to correct a first instance of deficient behavior than to ignore the situation and later try to correct the third, fourth, and fifth instance. It is easier and better management to correct a minor case of deficient behavior than to ignore the situation and allow the problem to become a major one.

C. Guidance in Selecting a Proper Course of Disciplinary Action

1. CHOOSE THE MINIMUM DISCIPLINARY ACTION LIKELY TO CORRECT THE IMPROPER BEHAVIOR. Most people would not use an elephant gun in hunting rabbits and this analogy holds true to choosing disciplinary action. For example, it may be inappropriate to attempt to correct an employee's first instance of tardiness by imposing a 1-day suspension. Such an action could create a significant amount of resentment in the employee and do more damage than good. Determining the minimum action likely to correct the problem is extremely important and a responsibility which frequently lies with the first line supervisor.

2. DISCIPLINARY ACTIONS MUST BE FAIR AND JUST. This is another way of saying that there must be similar actions for similar offenses. This does not mean that all similar actions must bear identical remedies since there are other factors such as mitigating circumstances which should be considered. It is important that managers have good reasons for imposing significantly different remedies for similar offenses. A good place to start in determining a proper remedy is to look at Part VIII. While the schedule of corrective actions in Part VIII is not mandatory, most actions within DON fall within its limits and there should be good reasons for deviating from the guide when it occurs.

3. DISCIPLINARY ACTION SHOULD BE TIMELY. Being timely does not mean that disciplinary actions should be taken in haste. Disciplinary actions should not be taken precipitately because important facts might be ignored. However, the corrective influence of a suspension, for example, is greatly diminished if it follows the offense by six months or a year.

4. MITIGATING, UNUSUAL, OR AGGRAVATING CIRCUMSTANCES SHOULD BE CONSIDERED IN DETERMINING A PROPER DISCIPLINARY ACTION. Such considerations as the employee's position, length of service, prior disciplinary action, etc., should be taken into consideration. Normally, you should obtain the employee's version of the event before initiating a disciplinary action. It may be that the employee will have an acceptable explanation or be able to present mitigating circumstances.

5. CONSIDER THE EMPLOYEE AS A UNIQUE INDIVIDUAL. What is the employee's attitude? Does the employee fully understand the nature of the offense and why the manager is troubled? Is the offense part of a continuing behavioral pattern or does it represent an isolated action? Has the employee been led to believe that the behavior in question is appropriate?

D. Alternative Courses of Action. While it is generally a bad idea to ignore instances of employee misconduct, all misconduct does not warrant disciplinary action. There are other forms of correction available as follows:

a. EXPLANATION OR TRAINING. If the employee is unaware of the proper performance or conduct, it may be that training or perhaps a sound explanation will be sufficient to correct the problem. This alternative is particularly likely to be appropriate when the employee is new or working in an unfamiliar environment.

b. CIVILIAN EMPLOYEE ASSISTANCE PROGRAM (CEAP). As a general rule, it is in the best interest of both DON and the employee to rehabilitate rather than remove. Misconduct is not always willful. Sometimes it stems from alcoholism, misuse of drugs, or other personal problems which may be helped through the CEAP. A manager should seek to learn enough to make a determination whether to refer an employee to CEAP counselor, take disciplinary action, or do both concurrently. (See CCPO-NW, INST 12792.1-CEAP.).

c. PERFORMANCE RATINGS. Most employees are aware of the importance of performance ratings and want to receive good ones. Employees who are under the Merit Pay System know that the amount of their salary depends in large part upon good performance ratings. A discussion about performance and/or a low performance

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rating should have a positive effect in improving employee performance. If an employee's performance becomes unacceptable, that employee may be demoted or removed in accordance with reference (f).

d. WITHHOLDING WITHIN-GRADE INCREASES (WGI). When an employee's performance does not warrant within-grade increase, it is appropriate to give the employee a negative determination. This procedure is available to defer or deny unearned incremental salary increases and to modify performance to obtain the step increase. (See CCPO-NW INST 12431.1 Withholding WGI's.)

e. FITNESS FOR DUTY EXAMINATIONS. Misconduct may be the result of illness. In such instances, assignment to a position which an employee can physically handle or retiring the employee on disability is preferable to effecting disciplinary action. One way the management has of determining whether or not the illness is the cause of the misconduct is to refer the employee for a fitness-for-duty examination.

f. VOLUNTARY ACTION BY EMPLOYEE. An employee who is confronted by management with a potential disciplinary situation may volunteer to accept a lower grade, a reassignment, or resign in lieu of disciplinary action. However, management must not coerce the employee into taking such action. It is permissible to tell an employee that a removal action is contemplated and that if he/she resigns before an action is proposed, no record will be made in the Official Personnel Folder. It is not permissible to say that the employee must resign or removal will be proposed. The latter example is coercion. It should be noted, however, that once a proposal letter has been issued, the employee's SF-50 will be so annotated even if they resign prior to a decision being made on the matter.

g. LETTER OF CAUTION. Sometimes a supervisor may want to warn an employee that continued instances of misconduct may lead to disciplinary action. In such instances, a supervisor may wish to issue a nondisciplinary letter cautioning the employee that future conduct will lead to disciplinary action. These letters are not disciplinary or adverse actions. The warning is prospective only and is not grievable. (Also called Letter of Admonishment).

h. LETTER OF REQUIREMENT. In cases of sick or annual leave abuse, or specific performance deficiencies, a supervisor may wish to impose requirements on an individual which do not apply to the rest of the work force. This can be done by a letter of requirement which establishes the precise circumstances under which leave will be approved or precisely what performance is required. A Letter of Requirement is not a disciplinary action; a Letter of Requirement is nothing more than written orders.

E. Special Disciplinary Situations

1. LEAVE ABUSE. Leave Without Pay (LWOP) is an approved absence. Do not attempt to impose disciplinary action based on instances of LWOP. If an employee is absent without permission, that employee must be carried as Absent Without Leave (AWOL). A charge of AWOL will support a disciplinary action. However, every instance of AWOL does not demand a disciplinary period of unapproved absence. A supervisor may determine that the loss of pay is sufficient to prevent such absence in the future.

2. LEAVE WITH PAY. In unusual cases, an employee's actions may represent a threat to life, health or government property, and it may be necessary to remove the employee from the worksite while a disciplinary action is being processed. In such instance, it is permissible to place the employee in a nonduty status with pay for up to 30 days.

3. INDEFINITE SUSPENSION. If there is good reason, such as an indictment, to believe that an employee is guilty of a crime, it is possible to place the employee on an indefinite suspension pending resolution of the matter. Though an indefinite suspension is of unspecified duration, the same rules apply as to any type of suspension. If it is expected that the indefinite suspension will last for more than 14 days, the employee must be given 30 days' notice (7 days if the crime provision is invoked), and the employee has the right to appeal to the Merit Systems Protection Board (MSPB). "Emergency" suspensions without giving employees the proper notice period and appeal rights are no longer permitted. (Cuellar v. U.S. Postal Service, MSPB Docket No. SF075299045, November 13, 1981).

4. DRUG ABUSE PROBLEMS. All civilian employees of the DON support, directly or indirectly, the mission of the operating forces. Drug abuse among these employees has a detrimental effect on their health, conduct and performance and, therefore, undermines their ability to provide the necessary level of support to assure the readiness of those forces. Consequently, because drug abuse is incompatible with safe, effective, and efficient mission accomplishment, it must be detected and eliminated. SECNAVINST 5300.28 prohibits the wrongful or illegal possession or use of marijuana, narcotics or other controlled substances in any amount, or the sale, promotion or distribution of marijuana, narcotics or other controlled substances or drug paraphernalia. Such prohibited misconduct may warrant administrative corrective action up to and including removal. However, when such abuse is determined to be a handicapping condition, as defined by the Rehabilitation Act of 1973, and the activity knew or should have known that the condition existed prior to the incident given rise to the consideration of disciplinary action, it must be dealt with in accordance with the provisions of the CEAP.

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Part III Noncontestable Action

A. Oral Admonition

1. An oral admonition is a counseling session in which the supervisor brings to the attention of an employee a shortcoming, infraction of rules, defect of performance or conduct, etc., and outlines corrective action by the employee, if necessary. Some situations which may call for an oral admonition are:

- a. Absenteeism;
- b. Sick leave usage;
- c. Extended lunch periods;
- d. Conduct which irritates other employees (gossiping, antagonistic attitude, lack of personal hygiene, etc.,);
- e. Failure to perform certain facets of the job as required; or
- f. Any infraction listed in the guideline schedule of disciplinary offenses and recommended remedies (Attachment B) if the infraction is considered minor, or employee has a good record otherwise.

2. An oral admonishment will not be counted as a prior offense when determining a remedy under Attachment B. An oral admonishment will not be made a matter of record in an employee's OPF. An oral admonishment is neither grievable nor appealable.

3. When an oral admonition has been accomplished, a stronger adverse action may not be taken for the same cause unless the employee has been informed that this warning is preliminary to some other action which may follow.

4. It is good practice to confront the employee with the undesired action, issue, or incident of misconduct and ask the employee for a suggested resolution. The supervisor should consider the employee's solution but, in any case, the employee must be told what is expected of him/her as corrective action.

B. Letter of Admonishment

1. A letter of admonishment brings to the attention of an employee, in writing, a shortcoming, infraction of rule(s), defect(s) of performance or conduct, etc., and outlines corrective action. Situations which may call for a letter of admonishment are similar to those listed above for oral admonishment.

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2. A letter of admonishment will specify:
 - a. The reasons for its issuance;
 - b. That the letter of admonishment is neither grievable nor appealable;
 - c. That it will not be made a matter of record in an employee's OPF; and
 - d. That it will not be counted as a prior offense when determining a remedy under Attachment B.

Part IV Grievable Adverse Action

A. Grievable adverse actions are appropriate when an offense by an employee warrants an official record and/or earlier warning(s) fail to remedy the situation. Although a grievable adverse action usually follows noncontestable action(s) and precedes appealable adverse action (see Part V), such a sequence is not required as stated in Part V.

B. Letter of Reprimand. A letter of reprimand is a disciplinary measure which does not involve forfeiture of pay.

1. Procedures. In addition to following the General Procedure contained in Part I, paragraph H, issue the letter of reprimand, if appropriate.

2. A letter of reprimand will specify:

a. The reason(s) for its issuance;

b. The employee's right to file a grievance under the provisions of CCPO-NW INST 12771.1 Administrative Grievance Procedure or under a negotiated grievance procedure, as appropriate;

c. That it will be made a matter of record in the employee's Official Personnel Folder for a period of two years or where applicable, the time specified by a current negotiated agreement; and

d. That it may be counted as a prior offense when determining a remedy for any subsequent offenses(s) under Attachment B.

C. Suspension of 14 calendar days or less. A suspension of 14 calendar days or less is a management directed absence from work and relief from duty with forfeiture of pay for all of the work hours involved, as a disciplinary measure.

1. Effect on Holiday. A suspension occurring before or after a holiday does not have any effect on holiday pay. However, a holiday occurring during a period of suspension must be counted as a part of the suspension.

2. Duration.

a. The schedule of offenses and range of remedies (Attachment B) provides for suspension in terms of calendar days. Therefore, the decision as to whether to make the suspension cover work day or calendar day depends on possible overtime assignments immediately before and after the suspension. While not prohibited by regulations, it would not be good practice to

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suspend an employee for five work days and schedule him/her for overtime on the following non-work day.

b. The shortest practical suspension period is one day, except for part-time employees or employees on an irregular schedule. In such instances, contact Code 75, ELMRD, for assistance.

c. Attachment B provides for suspension of up to ten days, but this does not prohibit longer suspension, if warranted. Five and 10 day suspensions do not have to coincide with the work week, that is, they may overlap work weeks or pay periods.

3. Employee Entitlements. An employee against whom a suspension of 14 days or less is proposed is entitled to:

a. An advance written notice stating:

(1) the specific reason(s) for the proposed action;

(2) the name and title of the management official designated to hear an oral reply and/or receive the written reply (the official so designated must have authority to either make or recommend a final decision on the proposed adverse action);

(3) the amount of time (normally seven days but not less than 24 hours) that the employee is allowed to answer orally and/or in writing; and

(4) the right of the employee or the employee's representative, if appropriate, to review the material which is relied upon to support the reason(s) given in the notice;

b. a reasonable amount of official time to review the material relied upon to support the proposal and to prepare an answer and to secure affidavits, if the employee is otherwise in an active duty status;

c. a reasonable time (normally seven days, but not less than 24 hours) to answer orally and/or in writing, and to furnish affidavit(s) and other documentary evidence in support of the answer;

d. be represented by an attorney or other representative, if appropriate; and

e. a written decision at the earliest practicable date which:

(1) considers only the reason(s) specified in the notice of proposed action;

(2) specifies the reason(s) for the decision;

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(3) considers any answer of the employee and/or the employee's representative, if appropriate, made to a designated official;

(4) is signed by an official in a higher position than the official who proposed the action (if the activity head signed the advance written notice, the next higher level of management in the chain of command must sign the written decision);

(5) specifies the employee's right to file a grievance under CCPO-NW INST 12771.1. or under a negotiated grievance procedure, as appropriate; and

(6) is delivered to the employee on or before the effective date of the action.

4. Records. A suspension of 14 days or less will be made a matter of record in the employee's OPF for a period of three years or, where applicable, the time specified by a current negotiated agreement. A suspension of 14 days or less may be counted as a prior offense when determining a remedy for any subsequent action under Attachment B.

5. Procedure. In addition to the General Procedure outlined in Part I, paragraph H, the steps below should be followed:

- a. Determine the length of the proposed suspension;
- b. Prepare and serve notice of the proposed suspension;
- c. Allow 7 days for reply;

d. Consider the employee's and/or the employee representative's oral and written reply, if any. (Note: any reply received before a decision is rendered must be considered. However, if a reply is received after a decision is rendered, the reply may be deemed as untimely filed. In any case, that reply becomes part of the case file (record).

e. If a suspension is to be effected, select the date(s). (If mitigating circumstances exist, a shorter suspension or lesser remedy may be imposed.); and

f. Deliver the decision notice to the employee on or before the effective date of the suspension.

6. Extension of Time for Employee to Respond to Advance Notice. Employees in receipt of an advance notice may request an additional time to respond orally and/or in writing. The official designated to accept the response may make a decision regarding such request.

7. Effective Date. A suspension should be effected as soon as practical after the close of the employee's reply deadline, allowing sufficient time for the notice of decision to be prepared and delivered. The employee has no choice as to the dates of the suspension.

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Part V Appealable Adverse ActionsA. Appealable Adverse Actions

1. Appealable adverse actions are, by their nature, more severe than grievable adverse actions. They include:

- a. A suspension of over 14 calendar days;
- b. A reduction in pay;
- c. A reduction in grade;
- d. A furlough of 30 days or less; and
- e. Removals.

2. This part will address the differences in procedures between appealable and grievable adverse actions. However, this part will address, in detail, suspensions of more than 14 calendar days and removals. Reduction in grade or pay and furlough of 30 days or less are not common actions and will not be discussed here. For these actions, contact the representative from Code 75, CCPO-NW, for advice and guidance.

B. Employee Entitlement. An employee against whom an appealable adverse action is proposed is entitled to:

1. At least 30 days advance written notice (unless there is reasonable cause to believe the employee has committed a crime for which a sentence or imprisonment may be imposed) stating;

- a. the specific reasons for the proposed action;
- b. the name and title of the official designated to hear an oral reply and/or receive the written reply (the official so designated must have authority to either make or to recommend a final decision on the proposed adverse action);
- c. the number of days but no less than 7 days, that the employee is allowed to answer orally and in writing;
- d. the right of the employee or the employee's representative to review the material which is relied upon to support the reasons given in the notice; and

(e) if appropriate, the basis for selecting a particular employee for furlough, when some but not all employees in a given competitive level are being furloughed, and the reason(s) for the furlough;

2. A reasonable amount of official time to review the material relied upon to support the proposal and to prepare an answer and to secure affidavit(s), if the employee is otherwise in an active duty status;

3. A reasonable time, but no less than 7 days, to answer orally and in writing and to furnish affidavit(s) and other documentary evidence in support of the answer;

4. Be represented by an attorney or other representative, if appropriate; and

5. A written decision at the earliest practicable date which;

a. considers only the reason(s) specified in the notice of proposed action;

b. specifies the reason(s) for the decision;

c. considers any answer of the employee and/or the employee's representative made to the designated official;

d. is signed by an official in a higher position than the official who proposed the action (if the activity head signed the advance written notice proposing the action, the next higher level of management in the chain of command must sign the written decision);

e. specifies the employee's right of appeal which is to the Merit Systems Protection Board (MSPB) and right, when applicable, to file a grievance under negotiated grievance procedures, but not both;

f. provides the time limits for filing an appeal to MSPB, the address of the appropriate Board office for filing the appeal, a copy of the Board's regulation and a copy of the Board's appeal form; and

g. which is delivered to the employee on or before the effective date of the action.

C. Procedure

1. The procedure for effecting an appealable adverse action is very similar to that used for a suspension of 14 calendar days or less (See Part IV, paragraph C.5). There are, however, two principal differences:

a. The action cannot be effected earlier than 30 full calendar days after the employee receives the notice of proposed adverse action, and

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b. The appeal of an adverse action under this part is to the MSPB or through a negotiated grievance procedure, if applicable, but not both.

2. In addition to the General Procedure contained in Part I, paragraph H, and the procedure for effecting a suspension of 14 calendar days or less contained in Part IV, paragraph C.5 the following is required and takes precedence.

a. If the decision is unfavorable to the employee, the Notice of Decision will be issued any time after the expiration of the reply period; and appeal rights must be stated. (The Notice should not be later than 30 calendar days after the employee receives the advance notice.)

b. The effective date for the action cannot be sooner than 30 full calendar days after the employee's receipt for notice of proposed adverse action. The 30th day of the advance notice period cannot be Saturday, Sunday or a legal holiday. In that case, the date for the action is set on the next business day.

D. Hearings. Since a hearing shall be made available at an employee's request after an appealable action has been effected, activities may not provide for a hearing in lieu of or in addition to the opportunity for written and oral reply to the proposed action.

E. Indefinite Suspension. If there is good reason, such as an indictment, to believe that an employee is guilty of a crime, it is possible to place the employee on an indefinite suspension pending resolution of the matter. Though an indefinite suspension is of unspecified duration, the same rules apply as to any type of suspension. If it is expected that the indefinite suspension will last for more than 14 days, the employee must be given 30 days' notice (7 days if the crime provision is invoked), and the employee has the right to appeal to the Merit System Protection Board (MSPB). "Emergency" suspensions without giving employees the proper notice period and appeal rights are no longer permitted (Cuellar v. U.S. Postal Service, MSPB Docket No. SF075299045, November 13, 1981).

F. Extension on Employee's Time to Respond to the Advance Notice. An employee in receipt of an advance notice may request additional time to respond orally and in writing. The official designated to accept the response may make a decision regarding such request.

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Part VI Actions Involving Employees Serving a
Probationary Period, a Temporary Appointment,
a Trial Period, or as a Reemployed Annuitant

A. This part applies to employees serving:

1. a probationary period other than a supervisor or manager who has not completed the supervisory or managerial probationary period;

2. a temporary appointment or trial period where, in either case, the employee has less than 1 year of current continuous service; or

3. as a reemployed annuitant.

B. These employees need not be disciplined in the manner described for other employees, except that disciplinary action must be taken for such cause "as will promote the efficiency of the service." Also, these employees are excluded from the requirements of reference (f). Thus, it is proper to use this instruction to effect adverse action based solely on unacceptable performance against employees covered under this Part.

C. Rather than effecting progressive discipline to correct an offending employee covered under this part or to effect adverse action to improve such employee's work performance, supervisors and managers should ensure these employees are:

1. Given full opportunity to adjust to the work and the work environment, and to prove they are capable and worthy of retention;

2. Informed of any shortcoming(s), and afforded the opportunity for adjustment and improvement; and

3. Terminated, if counseling does not produce the desired corrective action.

4. Procedural requirements for termination of employees under this part are not burdensome. Excluding reemployed annuitants, employees covered by this part need only to be informed, preferably in writing, anytime before the effective date of separation provided the separation date is no later than the last day of the probationary period or the 1 year of continuous service in a temporary appointment or trial period, as appropriate, e.g., an employee hired on 1 October 1982, and required to serve a 1 year probationary period which expires 30 September 1983 must be informed of the termination no later than 29 September 1983. Reemployed annuitants serve at the pleasure of the head of the activity. Thus, there is no time limit except that these employees need only be informed, preferably in writing, anytime before the effective date of separation.

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PART VII Special Disciplinary SituationsA. Deliberate Refusal to Carry Out a Proper Order of an Immediate Supervisor or Other Supervisor Having Responsibility for the Work of the Employee

1. The supervisor should first advise the employee that he/she has been given a proper order or work assignment, and that refusal to carry out the order or assignment may lead to disciplinary action.

2. The supervisor should then repeat the order. If the employee again refuses, she/he should be asked: "Are you refusing to carry out this order?" If the employee still refuses, he/she should be assigned to another job, if feasible, or placed in an annual leave status, or leave without pay (LWOP) status if he/she has no annual leave, for the remainder of her/his work shift and instructed to report for duty on his/her next regular work shift. He/she should also be told that disciplinary action will be initiated.

3. If the employee refuses the new assignment or refuses to leave the base after being placed on leave, the base security force should be called and requested to remove the employee from the base.

B. Attempted or Actual Theft of Government Property. In all adverse actions, the basic purpose is to correct offending employees and maintain discipline and morale among other employees. In theft cases, however, there is a management responsibility that is not present in most adverse actions (i.e., the protection and safekeeping of government property). Accordingly, it is essential that the disciplinary action imposed in this type of case be such as to serve as a warning and deterrent to all personnel. Therefore, in all cases where a thorough investigation supports bringing charges of attempted or actual theft of government property against an employee, initial consideration shall be given to proposing "removal" as the penalty. Only in those instances when it is determined that a lesser penalty will correct the offending employee and serve as a deterrent to others, shall a lesser penalty be imposed. When theft is admitted, definitely proven by investigation, or established by civil court action, the more serious penalties of demotion or removal shall be imposed unless there are extraordinary circumstances which indicate otherwise. Accordingly, all employees are notified that if they engage in actual or attempted theft of government property, it will normally result in their proposed removal from employment. Restitution of the property will not require any lessening of the penalty. Every effort shall be made to process "theft" cases as expeditiously as possible, including those instances when action is delayed pending the outcome of hearings or trials by civil

authorities. It shall be recognized that in instances when civil authorities refuse to accept jurisdiction or when civil actions result in acquittal, appropriate administrative action may be taken by management.

C. Cases Involving No Witnesses. When an employee accuses another employee of some misconduct toward himself/herself which was unwitnessed, management is faced with a dilemma. Such incidents, although difficult to discipline, cannot be ignored. The main thrust of the investigation must be directed at attempting to establish which party is entitled to greater credibility. The following is recommended:

1. Interview the two employees separately (In this manner, conflicting statements can be noted and followed up by astute questioning);
2. Require each party to submit a signed statement of the account of the incident;
3. Determine, if possible, which party has more to gain by deceit;
4. Try to establish whether provocation was involved; and
5. If the accusing party is a supervisor and the misconduct is more personal in nature than job-connected (e.g. insubordination, performance, etc.), it is preferable to have the next level supervision above the accusing supervisor initiate adverse action.

D. Sleeping on the Job. If an employee is apparently asleep on the job, it is helpful to have a witness whenever possible. On such cases, the employee should be addressed by name and if he/she still does not appear awake, he/she should be lightly shaken by the shoulder or hand. After it is determined that the employee is awake, the employee should be asked if she/he was asleep or sick. (Employees on certain medications may unwillingly fall asleep.) If the employee claims the latter, he/she should be asked for a full explanation to determine if the employee needs medical assistance. Note how long the employee was asleep and all pertinent circumstances such as employee's physical position (e.g. if the employee was sitting, lying down, proximity of work area, etc). If determined that the employee was asleep, proceed as with any other adverse action. It is, however, better to consider the charge of inattention to duty if the sleeping charge isn't sufficiently supported.

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ATTACHMENT A

Delegation of Authority

<u>ACTION</u>	<u>PROPOSE</u>	<u>EFFECT</u>
Oral Admonishment	-----	Immediate Supervisor
Letter of Admonishment	-----	Immediate Supervisor
Letter of Reprimand	-----	Immediate Supervisor
Suspension of 14 calendar days or less	Immediate Supervisor	Next higher level or Department Head or Director
Suspension of over 14 calendar days	Division Head, Department Head, or Director	Department Head, Director, Executive Officer, or Activity Head
Reduction in grade or pay and all separations	Division Head, Department Head, or Director	Department Head, Director, Executive Officer, or Activity Head

Note - Refer to paragraph D.1. of encl (1).

ATTACHMENT B - Guideline schedule of disciplinary offenses and recommended remedies for civilian employees in the Department of the Navy (greater or lesser remedies may be assessed depending upon circumstances).

INSTRUCTIONS FOR USE OF THE SCHEDULE

1. The schedule is not intended to cover every possible offense. Remedies for offenses not listed will be determined consistent with the guidelines contained herein.
2. Many of the items listed on this schedule combine several offenses in one statement connected by the word "OR." Usage of the word "OR" in a charge makes it nonspecific. Therefore, use only the items which describe the employee's actual conduct and leave out parts which do not apply.
3. Remedies for disciplinary offenses will, in general, range from the minimum to the maximum indicated. Depending on mitigating or aggravating factors, a remedy outside the general range may be imposed. When citing an employee for a prior offense, that offense need not be the same offense as the current offense for which action is being initiated.
4. Suspension remedies on this schedule refer to calendar days.
5. In considering past offenses in determining a remedy, the following limitations must be observed:
 - a. Oral and written admonishment may not be counted as prior offenses in determining a remedy;
 - b. A letter of reprimand may be counted as a prior offense provided the letter of reprimand is dated no more than two years before the date of the proposed notice of adverse action in which it is cited;
 - c. A suspension or reduction in grade or pay (if effected for disciplinary reasons) may be counted as a prior offense provided the effective date of the suspension or reduction in

OFFENSES AND RANGES OF REMEDIES

OFFENSES	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
<u>ATTENDANCE</u>			
EXCESSIVE UNAUTHORIZED ABSENCE (MORE THAN 5 CONSECUTIVE WORK DAYS)	Reprimand to removal	5-day suspension to removal	10-day suspension to removal
FALSIFYING ATTENDANCE RECORD FOR ONESELF OR ANOTHER EMPLOYEE	Reprimand to 5-day suspension	5-day suspension to removal	10-day suspension to removal
LEAVING JOB TO WHICH ASSIGNED OR NAVY PREMISES AT ANY TIME DURING WORKING HOURS WITHOUT PROPER PERMISSION	Reprimand to 5-day suspension	5- to 10-day suspension	10-day suspension to removal
UNEXCUSED OR UNAUTHORIZED ABSENCE ON ONE OR MORE SCHEDULED DAYS OF WORK OR ASSIGNED OVERTIME	Reprimand to 2-day suspension	1- to 5-day suspension	5-day suspension to removal
UNEXCUSED TARDINESS	Reprimand	Reprimand to 1-day suspension	Reprimand to 2-day suspension
<u>CONDUCT</u>			
UNAUTHORIZED POSSESSION (INCLUDING ACTUAL OR ATTEMPTED WRONGFUL REMOVAL FROM ITS PROPER LOCATION) OF GOVERNMENT PROPERTY OR THE PROPERTY OF OTHERS	Reprimand to removal	5-day suspension to removal	10-day suspension to removal

Do not use "theft" as a charge unless the definition in Black's Law Dictionary can be met.

CRIMINAL, DISHONEST, INFAMOUS OR NOTOR- IOUSLY DISGRACEFUL CONDUCT HAVING AN ADVERSE EFFECT ON THE EFFICIENCY OF THE SERVICE	Reprimand to removal	5-day suspension to removal	10-day suspension to removal
DISOBEDIENCE TO CON- STITUTED AUTHORITIES, OR DELIBERATE REFUSAL TO CARRY OUT ANY PROPER ORDER FROM ANY SUPERVISOR HAVING RESPONSIBILITY FOR THE WORK OF THE EMPLOYEE; INSUBORDINATION	Reprimand to 5-day suspension	5-day suspension to removal	10-day suspension to removal
DISORDERLY CONDUCT; FIGHTING, THREATEN- ING OR ATTEMPTING TO INFLECT BODILY INJURY TO ANOTHER; ENGAGING IN DANGEROUS HORSEPLAY; OR RESISTING COMPETENT AUTHORITY	Reprimand to removal	5-day suspension to removal	10-day suspension to removal
DISRESPECTFUL CONDUCT, USE OF INSULTING, ABUSIVE, OR OBSCENE LANGUAGE TO OR ABOUT OTHER PERSONNEL	Reprimand to 5-day suspension	5-day suspension to removal	10-day suspension to removal
FAILURE TO CARRY OR SHOW PROPER IDENTIFI- CATION ON NAVY PREMISES AS REQUIRED BY COMPETENT AUTHORITY	Reprimand to 1-day suspension	1- to 2-day suspension	2- to 5-day suspension
* * * * *			
FALSIFICATION, MIS- STATEMENT, OR CON- CEALMENT OF MATERIAL FACT IN CONNECTION WITH ANY OFFICIAL RECORD	Reprimand to removal	5-day suspension to removal	10-day suspension to removal

FALSE TESTIMONY OR REFUSAL TO TESTIFY IN AN INQUIRY, INVESTIGATION OR OTHER OFFICIAL PROCEEDING	Reprimand to removal	5-day suspension to removal	10-day suspension to removal
FILING FALSE CLAIMS AGAINST THE GOVERNMENT OR KNOWINGLY AIDING AND ASSISTING IN THE PROSECUTION OF SUCH CLAIMS	Reprimand to removal	5-day suspension to removal	10-day suspension to removal
KNOWINGLY MAKING FALSE OR MALICIOUS STATEMENTS WITH THE INTENT TO HARM OR DESTROY THE REPUTA- TION, AUTHORITY, OR OFFICIAL STANDING OF INDIVIDUAL(S) OR ORGAN- IZATION(S)	Reprimand to removal	5-day suspension to removal	10-day suspension to removal
*CARELESS WORKMAN- SHIP RESULTING IN SPOILAGE OR WASTE OF MATERIALS OR DELAY IN PRODUCTION	Reprimand to 5-day suspension	5- to 10-day suspension	10-day suspension to removal
*COVERING UP OR ATTEMPTING TO CONCEAL DEFECTIVE WORK; REMOVING OR DESTROYING SAME WITHOUT PERMISSION	Reprimand to 2-day suspension	1- to 5-day suspension	5-day suspension to removal
*FAILURE OR DELAY IN CARRYING OUT ORDERS, WORK ASSIGNMENTS, OR INSTRUCTIONS	Reprimand to 2-day suspension	1- to 5-day suspension	5-day suspension to removal

*Action should be taken under CPI 432 rather than CPI 752 if these areas are covered in employee's critical elements and performance standards.

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LOAFING, WASTING TIME, OR INATTEN- TION ON DUTY	Reprimand to 2-day suspension	1- to 5-day suspension	5-day suspension to removal
SLEEPING ON DUTY	Reprimand to 5-day suspension	5-day suspension to removal	10-day suspension to removal
a. WHERE LIFE OR PROPERTY IS ENDANGERED	Reprimand to removal	5-day suspension to removal	10-day suspension to removal
UNAUTHORIZED USE OF, LOSS OF, OR DAMAGE TO, GOVERNMENT PROPERTY OR THE PROPERTY OF OTHERS	Reprimand to removal	5-day suspension to removal	10-day suspension to removal
GAMBLING OR BETTING DURING WORKING HOURS	Reprimand to 2-day suspension	Reprimand to 5-day suspension	Reprimand to removal
PROMOTION OF GAMBLING ON NAVY PREMISES	Reprimand to removal	5-day suspension to removal	10-day suspension to removal
WILLFUL DAMAGE TO GOVERNMENT PROPERTY OR THE PROPERTY OF OTHERS	Reprimand to 5-day suspension	5-day suspension to removal	10-day suspension to removal
<u>DISCRIMINATION</u>			
DISCRIMINATION AGAINST AN EMPLOYEE OR APPLICANT BECAUSE OF RACE, COLOR, RELIGION, SEX, HANDICAP, NATIONAL ORIGIN, OR AGE OR ANY REPRISAL ACTION ON SUCH BASIS AGAINST AN EMPLOYEE	Reprimand to removal	5-day suspension to removal	10-day suspension to removal
SEXUAL HARASSMENT	Reprimand to removal	5-day suspension to removal	10-day suspension to removal

SAFETY

FAILURE TO OBSERVE PRECAUTIONS FOR PERSONAL SAFETY, POSTED RULES, SIGNS, WRITTEN OR ORAL INSTRUCTIONS, OR TO USE PROTECTIVE CLOTHING OR EQUIPMENT	Reprimand to 2-day suspension	1- to 5-day suspension	10-day suspension to removal
VIOLATION OF SAFETY REGULATION WHICH ENDANGERS LIFE OR PROPERTY	Reprimand to 5-day suspension	2-day suspension to removal	10-day suspension to removal
ENDANGERING THE SAFETY OF OR CAUSING INJURY TO PERSONNEL THROUGH CARELESSNESS	Reprimand to removal	5-day suspension to removal	10-day suspension to removal
FAILURE TO OBSERVE NO SMOKING REGULATIONS OR CARRYING MATCHES IN RESTRICTED AREAS	Reprimand to removal	5-day suspension to removal	10-day suspension to removal
VIOLATING TRAFFIC REGULATIONS, RECKLESS DRIVING ON NAVY PREMISES, OR IMPROPER OPERATION OF MOTOR VEHICLE	Reprimand to 2-day suspension	Reprimand to 5-day suspension	5- to 10-day suspension

SECURITY

FAILURE TO SAFEGUARD CLASSIFIED MATTER OR OTHER SECURITY VIOLATIONS	Reprimand to 5-day suspension	5-day suspension to removal	10-day suspension to removal
a. WHEN CLASSIFIED MATERIAL HAS BEEN COMPROMISED	Reprimand to removal	5-day suspension to removal	10-day suspension to removal

PROHIBITED PERSONNEL PRACTICE

COMMITTING A PROHIBITED PERSONNEL PRACTICE	Reprimand to removal	5-day suspension to removal	10-day suspension to removal
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SUBSTANCE ABUSE

*Referral to Civilian Employee Assistance Program and reasonable accommodation must be provided prior to initiation of disciplinary action when the employee's substance abuse is a handicapping condition as defined in the Rehabilitation Act of 1973 and the activity knew or should have known that the condition existed prior to the incident giving rise to the consideration of disciplinary action.

POSSESSION OF MARIJUANA, A NARCOTIC, OR A CONTROLLED SUBSTANCE OR DRUG PARAPHERNALIA WITHOUT AUTHORIZATION ON DUTY	Reprimand to removal	10-day suspension to removal	14-day suspension to removal
*REPORTING FOR DUTY UNDER THE INFLUENCE OF MARIJUANA, A NARCOTIC, OR A CONTROLLED SUBSTANCE WITHOUT AUTHORIZATION	14-day suspension to removal	30-day suspension to removal	Removal
*USE OF OR BEING UNDER THE INFLUENCE OF MARIJUANA, A NARCOTIC, OR A CONTROLLED SUBSTANCE WITHOUT AUTHORIZATION ON DUTY	14-day suspension to removal	30-day suspension to removal	Removal
UNAUTHORIZED SALE OR TRANSFER OF MARIJUANA, A NARCOTIC, OR A CONTROLLED SUBSTANCE OR DRUG PARAPHERNALIA ON DUTY	30-day suspension to removal	Removal	
UNAUTHORIZED POSSESSION OF ALCOHOL ON DUTY	Reprimand to removal	5-day suspension to removal	10-day suspension to removal
*REPORTING FOR DUTY UNDER THE INFLUENCE OF ALCOHOL	Reprimand to removal	5-day suspension to removal	10-day suspension to removal

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USE OF OR BEING
UNDER THE
INFLUENCE OF
ALCOHOL ON DUTY

Reprimand
to removal

5-day
suspension
to removal

10-day
suspension
to removal

UNAUTHORIZED
SALE OR
TRANSFER OF
ALCOHOL ON DUTY

Reprimand
to removal

5-day
suspension
to removal

10-day
suspension
to removal

14 January 1984

DELEGATION OF AUTHORITY TO PROPOSE AND DECIDE
ACTIONS TAKEN UNDER CPI 432 AND CPI 752

<u>ACTION</u>	<u>PROPOSE</u>	<u>EFFECT</u>
Oral Admonishment	-----	Immediate Supervisor
Letter of Admonishment	-----	Immediate Supervisor
Letter of Reprimand	-----	Immediate Supervisor
Suspension of 14 calendar days or less	Immediate Supervisor	Next higher level or Division Director
Suspension of over 14 calendar days	Immediate Supervisor	Deputy Commander
Reduction in grade or pay and removal	Immediate Supervisor	Deputy Commander